

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JACOBUS J.M. RUIGROK,
PIETER J. VAN DER ZAAG
WIEPKE FOLKERTS, LAMBERTUS POSTMA,
RONALD M. WOLF and JOHANNES F. M. CILLESSEN

Appeal No. 1996-3020
Application 08/156,146¹

ON BRIEF

Before HAIRSTON, JERRY SMITH, and HECKER, Administrative
Patent Judges.

HECKER, Administrative Patent Judge.

REQUEST FOR REHEARING

¹Application for patent filed November 22, 1993.

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Appellants' Request for Reconsideration is treated as a Request for Rehearing in accordance with the revision of 37 CFR

§ 1.197(b), effective December 1, 1997.

Appellants request that we reconsider and modify our decision dated July 30, 1999 to indicate that the rejection of claims 17, 18, 20 and 21 is reversed².

Appellants rely on the decision to reverse the rejection of claims 6 through 8, 16, 19 and 22 as the basis to reverse the rejection of claims 17, 18, 20 and 21.

Claims 17, 18, 20 and 21 were not treated on their merits by the Board. These claims were grouped with claims 3, 4 and 13 through 15 which stood together as indicated by Appellants at page 6 of the brief. Claim 3 was considered on its merits as the representative claim. (Note the Decision at page 4.)

²Appellants have stated that the Board of Patent Appeals and Interferences has allowed certain claims and Appellants request we reconsider our decision and allow additional claims. We do not allow claims. The Board of Patent Appeals and Interferences renders a decision to affirm or reverse a particular rejection of claims.

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37 CFR § 1.192(c)(7) amended March 17, 1995, which was controlling at the time of Appellants filing the brief, states:

For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of that claim alone unless a statement is included that the claims of the group do not stand or fall together and, in the argument under paragraph (c)(8) of this section, appellant explains why the claims of the group are believed to be separately patentable. Merely pointing out differences in what the claims cover is not an argument as to why the claims are separately patentable.

Appellants may argue the merits of claims 17, 18, 20 and 21 before the Examiner, noting our decision with respect to claim 6.

In view of the foregoing, Appellants' request for rehearing is granted to the extent that we have in fact

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reviewed our findings but is denied as to making any change
therein.

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

DENIED

Kenneth W. Hairston)
Administrative Patent Judge)
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) BOARD OF PATENT
)

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Jerry Smith)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
Stuart N. Hecker)	
Administrative Patent Judge)	

Sh/dlm

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